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Attorneys for Plaintiffs

AUDREY G., a Minor and DEVIN G.,
a Minor by and through VICTOR GRAYSON
as Guardian Ad Litem, JESSE B., a Minor by
and through JAMES LARRY BENTON SR.
as Guardian Ad Litem, and JAMES LARRY
BENTON, SR. in his Individual Capacity

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

AUDREY G., a Minor and DEVIN
G., a Minor by and through
VICTOR GRAYSON as Guardian
Ad Litem, JESSE B., a Minor by
and through JAMES LARRY
BENTON, SR. as Guardian Ad
Litem, and JAMES LARRY
BENTON, SR. in his Individual
Capacity,

Plaintiffs,

V.

CITY OF LAFAYETTE, OFFICER

Case No.: 3:21-cv-03545-WHO

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING
DATE ON DEFENDANTS' MOTION
TO DISMISS PLAINTIFFS' THIRD
AMENDED COMPLAINT**

Date: June 1, 2022 (currently set)

Time: 2:00 P.M.

Crtrm: 2, 17th Floor

Judge: Hon. Judge William H. Orrick

KEVIN WHITE, OFFICER NEIL
BLACK, CONTRA COSTA
COUNTY, DOES 1 - 10,

Defendants.

The Parties to this action by and through their undersigned counsel hereby stipulate to the following:

1. WHEREAS, Defendants filed a Motion to Dismiss Plaintiffs' Third Amended Complaint ("MTD"), ECF No. 39, which noticed hearing on the motion for June 1, 2022 at 2:00 P.M. in Northern District of California, Crtrm. 2, 17th Floor before the Honorable Judge William H. Orrick and the MTD has been fully briefed since May 3, 2022.

2. WHEREAS, counsel for Plaintiffs are unavailable for appearance on the currently noticed hearing date for the MTD of June 1, 2022 at 2:00 P.M.;

3. WHEREAS, the next available date on the Court's civil law and motion calendar that counsel for Plaintiffs are available for hearing on the MTD is June 15, 2022 at 2:00 P.M.;

Based on the foregoing, the Parties stipulate and respectfully request that, if the Court does not adjudicate the MTD on the briefs and submit the matter without hearing, the hearing on the MTD be continued to June 15, 2022 at 2:00 P.M.

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1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 Plaintiffs' Counsel:

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4 Ryan P. Knutson, Attorney for Plaintiffs
5 AUDREY G., a Minor and DEVIN G., a
6 Minor by and through VICTOR GRAYSON
7 as Guardian Ad Litem, JESSE B., a Minor by
8 and through JAMES LARRY BENTON SR. as
9 Guardian Ad Litem, and JAMES LARRY BENTON,
10 SR. in his Individual Capacity.

11 Defendants' Counsel:

12 SEAN M. RODRIQUEZ /S/

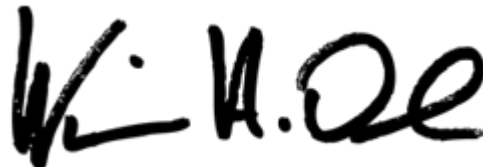
13 SEAN M. RODRIQUEZ
14 Deputy County Counsel
15 Attorney for Defendants
16 COUNTY OF CONTRA COSTA, CITY OF
17 LAFAYETTE, AND OFFICER KEVIN WHITE

18 **[PROPOSED ORDER]**

19 **IT IS HEREBY ORDERED** that, pursuant to the stipulation of the parties above, the
20 stipulation is approved and the hearing on Defendants' Motion to Dismiss is continued to June
21 15, 2022 at 2:00 P.M., absent further order from the Court vacating the hearing date and
22 submitting the matter on the briefs.

23 IT IS SO ORDERED.

24 Dated: May 23, 2022

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27 Hon. William H. Orrick
28 UNITED STATES DISTRICT JUDGE